

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
)	
Plaintiff,)	C.A. No.: 04-1350 (GMS)
)	
v.)	
)	
SYLVIA FOSTER, LANCE SAGERS,)	
DAVE MOFFITT, R. GRAY,)	
MR. JOHNSON, JOHN JOE,)	
)	
Defendants.)	

**NOTICE OF RESPONSE TO PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION #2**

PLEASE TAKE NOTICE that the undersigned will present the attached Defendant, Sylvia Foster's, Response to Plaintiff's Pleadings and Exhibits in Support of Motion for Preliminary Injunction #2 at the convenience of the Court.

REGER RIZZO & DARNALL LLP

/s/ Louis J. Rizzo, Jr., Esquire
Louis J. Rizzo, Jr., Esquire
Delaware State Bar I.D. No. 3374
Ronald W. Hartnett, Jr., Esquire
Delaware State Bar I.D. No. 4497
1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801
(302) 652-3611
Attorney for Defendant Dr. Sylvia Foster

Dated: May 2, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
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Plaintiff,)	C.A. No.: 04-1350 (GMS)
)	
v.)	
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SYLVIA FOSTER, LANCE SAGERS,)	
DAVE MOFFITT, R. GRAY,)	
MR. JOHNSON, JOHN JOE,)	
)	
Defendants.)	

**DEFENDANT, SYLVIA FOSTER'S, RESPONSE TO PLAINTIFF'S PLEADINGS
AND EXHIBITS IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION #2**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Pleadings and Exhibits in Support of Motion for Preliminary Injunction #2 Pursuant to Fed. R. Civ. P. #65, and in opposition thereof, avers the following:

1. Plaintiff, Jimmie Lewis (hereafter "Lewis"), filed the above referenced "motion"¹ with the Court on April 23, 2008. *See* Docket Item No. 267. Within the pages of the "motion", Lewis relates to incidents and occurrences which took place during his most recent stay at the Delaware Psychiatric Center from 2007 into 2008. *See* Lewis' "Motion", No. 267. There does not appear to be any reference to Dr. Foster in the "motion"; nor is there reference made to the incidents in question in the case at bar.

2. To the extent any reference or inference can be drawn between the information and contentions contained within Lewis' recent filing and the issues or allegations made against Dr.

¹The Clerk's Office designated this filing by Lewis as a "motion", despite the title provided on the cover sheet. As a way of simplicity, the remainder of this response will refer to the filing by Lewis as a "motion."

Foster, those allegations, inferences, assertions, references, etc. are denied. Additionally, such an endeavor should be viewed as an attempt to once again amend the complaint and supplement Lewis' position without any evidence to support the contentions.

3. In regards to any connection between the allegations presented in the recent filing by Lewis and the case at bar, Dr. Foster respectfully requests that the arguments and assertions presented in the Motion for Summary Judgment, with accompanying Opening Brief, as well as the Reply Brief in Support of Motion for Summary Judgment, be included herein as though fully stated.

WHEREFORE, Dr. Sylvia Foster, respectfully requests that Plaintiff, Jimmie Lewis', Pleadings and Exhibits in Support of Motion for Preliminary Injunction #2 Pursuant to Fed. R. Civ. P. #65 be denied.

REGER RIZZO & DARNALL LLP

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)	
Defendants.)	

ORDER

AND NOW, TO WIT, this ____ day of _____, 2008 having considered Defendant Sylvia Foster's Response to Plaintiff's Pleadings and Exhibits in Support of Motion for Preliminary Injunction #2;

IT IS HEREBY ORDERED that Plaintiff Jimmie Lewis' Pleadings and Exhibits in Support of Motion for Preliminary Injunction #2 to Fed. R. Civ. P. #65 is DENIED.

The Honorable Gregory M. Sleet

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Plaintiff,)	C.A. No.: 04-1350 (GMS)
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DAVE MOFFITT, R. GRAY,)	
MR. JOHNSON, JOHN JOE,)	
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Defendants.)	

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify on this 2nd day of May, 2008 that a true and correct copy of Defendant, Sylvia Foster's, Response to Plaintiff's Pleadings and Exhibits in Support of Motion for Preliminary Injunction #2 has been served electronically and by first class mail, postage prepaid, to the following:

Jimmie Lewis
SBI #00506622
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Joseph C. Schoell, Esquire
Wolf Block Schorr and Solis-Cohen, LLP
Wilmington Trust Center, Suite 1001
1100 North Market Street
Wilmington, DE 19801

REGER RIZZO & DARNALL LLP

/s/ Louis J. Rizzo, Jr., Esquire
Louis J. Rizzo, Jr., Esquire
Delaware State Bar I.D. No. 3374
Ronald W. Hartnett, Jr., Esquire
Delaware State Bar I.D. No. 4497
1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801
(302) 652-3611
Attorney for Defendant Dr. Sylvia Foster

Dated: May 2, 2008